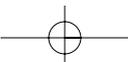
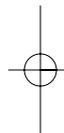
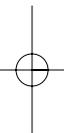




Bar Codes





Law and Society Series

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The Law and Society Series explores law as a socially embedded phenomenon. It is premised on the understanding that the conventional division of law from society creates false dichotomies in thinking, scholarship, educational practice, and social life. Books in the series treat law and society as mutually constitutive and seek to bridge scholarship emerging from interdisciplinary engagement of law with disciplines such as politics, social theory, history, political economy, and gender studies.

A list of the books in this series appears at the end of this book.

Jean McKenzie Leiper

Bar Codes: Women in the
Legal Profession



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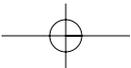
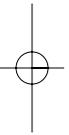
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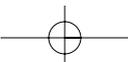
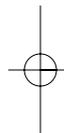
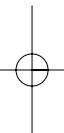
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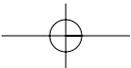
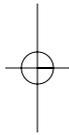
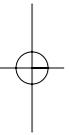
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Finally, my deepest appreciation is reserved for Doug Leiper, my patient, intelligent, and good-humoured partner.



Bar Codes





1

Introduction: Recognizing the Codes

You asked me why I ventured into this career. I guess probably that ... maybe just for Dad predominantly ... My father was a lawyer ... my father's father was also a lawyer and subsequently a judge ... so I guess to some extent it's always been a factor.¹

This woman came from a well-established legal background. When her father practised law in the post-war years, he would have had very few women as colleagues. Her grandfather would have been part of an even more exclusive men's club, anchored in earlier legal traditions that reflected a nineteenth-century world where elite members of the profession were drawn from colonial families of high social standing. Schooled in Latin, Greek, and the classics, these "professional gentlemen" were well acquainted with the science of law and their status as barristers set them apart from their lower order colleagues, the attorneys.²

In spite of these professional class distinctions, law and legal practice were masculine domains and would remain exclusively male until Clara Brett Martin was called to the bar in 1897. Her entry was seen as a victory by early feminists, but the profession was to continue along a male-dominated path throughout most of the twentieth century.³ Undoubtedly, the first women law students faced a hostile environment and, although the sexism is less obvious now, women in law still enter an arena where many of the leaders are men who endorse the practices and values of a very traditional profession. The climate is often adversarial, many of the cases are cast in masculine terms, and, until recently, law school classes were still addressed occasionally as "gentlemen."

The image of the learned gentleman lingers in the Ontario legal profession. It is perpetuated in the faces of founding fathers on the walls of Ontario's law schools and in the corridors of the Law Society of Upper Canada. To some extent, partners in the large law firms lining Bay Street in Toronto and senior members of the judiciary still belong to a prestigious gentlemen's club where masculine values prevail in spite of the rapid influx of women.

The woman cited earlier is in many ways unique. Very few of the women in this study can lay claim to such prestigious roots. In fact, they are a disparate group, the daughters of middle-class families or one generation

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removed from their immigrant roots. Some of them moved quickly through the educational system while others entered law school as mature students. A few of them began their working lives as secretaries or law clerks or nurses, several of them were housewives in a previous life, and some of them were the first members of their families to attend university. One woman said that when she called the Ministry of Education to inquire about law school she was greeted by derisive laughter. Another woman was told by a guidance counsellor that she would make a good farmer's wife.⁴ The miracle lies in the fact that they persisted in spite of such rude treatment. They are definitely not members of an exclusive group born into affluence, but, together, they provide a portrait of the changing face of the legal profession in Ontario.

I began contacting them when the study was in its formative stages, late in 1993. By the time it was completed in 2002, 110 women practising law throughout the province of Ontario had taken the time to sit down and talk to us, sharing their thoughts about their professional and private lives. Since they typified the first generation of women in a profession that had been male-dominated for centuries, their views were critical to an understanding of women's experiences as lawyers. Why did they choose law in the first place? How did they view their law school and articling experiences? How had their careers taken shape in light of their family and community interests? What were their achievements and disappointments? Would they choose law if they had a chance to start over or would they encourage their daughters to pursue legal careers? These were some of my concerns in the initial design of the study, but the interview process opened up many more topics, providing a rich store of anecdotes and opinions about life in the legal profession.

Why are their stories important? Taken together, these women are not exceptional. They represent a broad cross-section of ages and social backgrounds, many of them have children and, like other groups of women, they vary in terms of their marital status, race, ethnicity, sexual orientation, and other distinguishing characteristics. In fact, their heterogeneity makes them ideal candidates for research as law societies and bar associations work to accommodate the needs and interests of increasingly diverse groups of new lawyers. Descriptions of their lives are also valuable for women contemplating legal careers because, in spite of rosy media accounts, women face unique challenges within the profession, particularly if they add parenting responsibilities to their load of legal duties.⁵

Do their lives resemble those of women in other male-dominated professions? In many ways they do. Most of the women in these professions have acquired specialized training, enhanced occupational prestige, and the potential to generate high earnings. The money and career advancement, however, are often contingent on a willingness to work exceptionally long

hours, and recent findings suggest that these patterns are exacerbated by rising expectations for performance in law, academia, and senior managerial ranks. Women in these professions often postpone marriage and family in the pursuit of career goals such as tenure, executive positions, or partnership status. Women in corporate management or medical practice sometimes have access to flexible working hours, but permanent part-time work or extended periods of leave are usually seen as barriers to professional advancement. Generally, women with children register high levels of work-family conflict, and their career progress lags in comparison with the achievements of childless women and men. Even though they may be productive, committed professionals, organizational and professional norms assign them second-class status.⁶ Women now enter the professions in greater numbers than men, but a two-tiered profile is evident: men are more likely to advance to senior, decision-making levels while women often remain in the lower ranks, doing the diligent day-to-day work.⁷

Although these patterns are evident in male-dominated professions generally, they are particularly pronounced in the practice of law where time-keeping is meticulous. Individual practitioners record their billable hours in six-minute segments, and, if they work in large firms, they are expected to meet demanding standards for performance. Many of these firms have gradually increased their requirements, establishing time norms that have slowly seeped into other types of practice.⁸ Private law firms are businesses driven by profits, so the most promising lawyers are also expected to be rainmakers, seeking out new clients and keeping in touch with old ones. Since collegiality is important, many of the informal aspects of legal practice require unlimited amounts of time for networking, both on and off the job. Women with families often lack this kind of free time because their tightly drawn schedules include family activities and household organization. They are typically very efficient workers, committed to their professional careers, but because most senior partners violate accepted time norms, they view motherhood as a professional liability.⁹

These women constitute a first wave – an avant-garde – in a profession designed by men, for men, and grounded in the assumption that they can be released from family commitments at will. Their encounters with this culture and their strategies for dealing with multiple demands on their time provide some answers and raise more questions about the kinds of time stresses that have become extreme in the lives of many Canadian women. In law, as in other elite professions, many policy-makers are still wedded to the idea that men should develop their careers while women deal with family caregiving. These norms prevail in Canadian society generally, even though most women with young families are employed outside the home. Since they are more pronounced in pressure-cooker environments such as legal practice, studies such as this one highlight these results and suggest

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ways of addressing work-family conflict in general. Although women are the focus of my study, families also stand to benefit from the ideas generated by this kind of research. It is part of a much larger movement to resolve work-family issues in Canada, the United States, and other industrialized countries.¹⁰

Bar Codes

Civil and criminal codes are the most obvious cornerstones of legal doctrine, a dynamic body of knowledge that promotes justice and provides the underpinnings for social order. However, codes extend into every corner of legal practice. The profession is built around written codes of conduct – expectations for the fair treatment of clients and appropriate moral behaviours. Lawyers who fail to meet these standards are summoned before their respective law societies and, in some cases, disbarred from practice because they are deemed to have violated the profession's code of honour. In many ways, legal prose is expressed in code, presented in arcane language or Latin terms that are relevant only in the context of case law.¹¹ Dress codes are also part of the legal experience, particularly in the courts of Commonwealth countries; legal robes are considered *de rigueur*, providing an established standard of dress and emphasizing status differences among judges and lawyers. These kinds of codes are formalized in rules and laws grounded in expectations for compliance, on the part of both professional practitioners and other members of society. The gowned lawyer represents legal expertise but other coded meanings can remain hidden from the general public. The women in this study have been instrumental in drawing our attention to some of these codes. Their anecdotes and reactions have exposed less obvious facets of legal practice, giving me an opportunity to examine the impact of these customs on their professional and personal lives.

In spite of the presence of codes, informal norms can evolve over time, leading to patterns of behaviour apparent only to members of the inner circle. Legal education, the practice of law, and day-to-day courtroom activities are replete with norms that are confusing for neophytes. These cultural contradictions reflect a set of unwritten codes that can be particularly problematic for women (expectations about hours on the job, access to the best files, informal meetings, or unspoken views about pregnancy and childbirth). These norms become codes in themselves, guarded by established members of the profession and open only to persistent outsiders who succeed in deciphering the signals. Women who either fail to crack the codes or choose to ignore them can remain committed members of the bar but they are distanced from the powerful centres of legal practice. This study highlights powerful connections between the formal codes and those that sometimes escape detection, shedding light on the ways in which women's legal careers hinge on their access to social and cultural capital.

Central Themes in This Study

The interviews for this study ranged across landscapes that I had not imagined when I embarked on the venture. On a bleak January day in 1994, I walked into a small law office in downtown Toronto and found a young criminal lawyer struggling to keep her practice alive. As we talked, she described her anxieties about court appearances and told me about the relief she experienced when she traded her professional dress for casual clothes at the end of a working day. She had raised a subject that I had not considered relevant to the study – the importance of professional clothing in projecting an image. When she mentioned her feelings of inadequacy under the cover of her legal robes, images of Portia flooded through my mind, and I began to wonder if women, more than men, needed the protection of robes to convince others of their value as lawyers.

As a result of this conversation, Portia's story became increasingly important to my understanding of women's experiences in the profession. The robes convey professional status, leading the women, like Portia, down a path to professional legitimacy.¹² As a result, Portia assumes centre stage in Chapter 2, and her brief flirtation with the law provides a pivotal organizing metaphor for the book.¹³ The image of a small, "unlessoned" girl emerging from the cocoon of femininity as a learned doctor of laws through the simple act of robing is a powerful one. In spite of her youth and her lack of legal training, Portia still serves as a convincing role model for women entering the legal profession. Her story has inspired feminist legal scholars and, for some, she has assumed iconic proportions.¹⁴

The gowned lawyer has always been a key player in the drama of the courtroom, projecting an image of professional credibility that sets him apart from clerks, clients, and other courtroom functionaries. The act of robing is heavy with the weight of symbolism and tradition, born of a patriarchal culture. Legal robes are also part of a larger history. Like religious dress, they were initially designed for men but they are curiously androgynous. As Margaret Thornton has observed, in any other setting they would constitute women's dress but, paradoxically, they would be devoid of authority.¹⁵

Women who enter law are caught between these competing visions – the unlessoned girl and the respected professional gentleman. They cross the boundary between these two images when they robe for court, signalling to others that they are ready to do their job. They have acquired the knowledge and credentials they need to act as respected professionals, but they are relative newcomers in a historical sense. In this chapter, their accounts are anchored in a discussion of theories of the professions, stressing the importance of the specialized knowledge that distinguishes members of the legal profession and enables them to set exclusionary boundaries.

Until recently, women were targets of these exclusionary practices so the robes hold particular significance for them. They still face contradictory norms about appropriate professional dress, and so, like Portia, they run

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the risk of appearing “unruly,” vaguely sexual, and potentially disruptive to the system. Michel Foucault’s theories of disciplinary practices are relevant in this chapter, along with the suggestion that women must learn to tame themselves, to become docile, if they are to succeed in the practice of law. In spite of these lingering undercurrents, women report that their professional identity is enhanced when they wear the robes. Their self-confidence grows, but they feel the weight of their responsibility and deep inside they may feel a sense of confusion about their own identity. Many of the women in this study expressed mixed feelings about their robes, best summed up by a judge who said: “I like putting on my robes because I like – not – being me.” The androgynous character of the robes can also lead to confusion. Women are used to wearing long, flowing garments, but the tight vest and white tabs are definitely masculine attire. These contradictions are discussed at some length in Chapter 2, casting light on the importance of professional dress in conveying legitimacy and the sometimes fragile face that members of a profession present to their clients and adversaries.

Portia’s influence threads its way through successive chapters of the book, reminding readers that women in the legal profession never quite fit in. Like medieval and Renaissance women, hampered by the constraints of Salic Law, they remain, to some extent, impostors in a culture imbued with masculine values.¹⁶ They encounter the norms of the legal culture when they enter law school and repeatedly throughout their careers – in everyday practice, in the courtroom, and in other encounters with the system generally. Traditionally, these institutions have been inhabited and controlled by men who spoke a common language. Many of them were the sons or grandsons of lawyers, and they moved easily in legal circles where the customs required no explanation. Women who lack these kinds of connections have been baffled by many of the practices they have encountered. In hindsight, they appear to have been incredibly naïve, but they were a pioneering group, understandably ignorant of the hidden assumptions and the *lingua franca* of legal practice.

Chapter 3 is devoted to a discussion and analysis of women’s experiences in law school, opening with a description of Clara Brett Martin’s attempts to gain entry to the profession. As the first woman in the British Commonwealth to be accepted for legal training, she provided a strong model, but women in other jurisdictions faced even more formidable barriers. Since law schools reflect the views of legal scholars and practitioners alike, this chapter also incorporates a discussion of legal culture and the potential for shifting attitudes and practices in response to the entry of women. Although their numbers have increased dramatically in recent years, the profession remains resistant to women’s requests for a more inclusive approach to legal affairs. The positive effects of feminization will only be manifested when courses such as family and employment equity

law are elevated in status, and law firms adjust their focus to accommodate lawyers' needs for family time. Without progress in these areas, occupational segregation will become more entrenched and existing gender-based disparities in earnings will continue to grow. These disparities are rooted in informal patterns that favour lawyers without ongoing family responsibilities – time for forging client networks, developing collegial relationships, and generally building a profile of loyalty to the firm. Pierre Bourdieu's theories of social and cultural capital provide conceptual guidelines here, identifying the subtle ways in which women are often excluded from professional circles.¹⁷

Portia's example is evident again in a discussion of women's styles of practice, linking their purported commitment to an "ethic of care" to her concern for mercy in the administration of justice. The debate about Carol Gilligan's "differences" hypothesis generates a battery of questions about accepted stores of professional knowledge and their apparent failure to address the interests of many women students.¹⁸ These concerns set the stage for a description of changes in legal training in Ontario over the past two hundred years, taking note of differing opinions about the balance between theory and practical knowledge and accepted methods of instruction.

Women's entry to law school represents the most recent event in a chronology marked by dissent. It is an important part of the historical record because feminist critiques of the system represent a challenge to long-standing educational practices and visions of the law itself.¹⁹ From the beginning, the legal profession has incorporated an elitist bias. Ontario farmers' sons with professional ambitions rarely became powerful urban barristers, black lawyers were uncommon, and the profession was riddled with anti-Semitism.²⁰

On a contemporary note, I examine the experiences of women in law school, comparing the recollections of the women in this study with widespread reports of alienation and silencing that have marked the law school years for women in large American universities. Since feminist issues can sometimes cloud the effects of less obvious inequities, Chapter 3 also includes a brief discussion of the barriers that can distance women from each other – social class, colour, sexual orientation, and physical disabilities. These factors influence a woman's law school options, her treatment by professors and peers, and her legal practice. The chapter concludes with a glimpse of the future – the inequities that persist in the timed escalation of tuition fees and the paths to career success offered by the most prestigious schools. Race, ethnicity, and social background are powerful mediators in this process, and they deserve in-depth treatment. I regret that this book does not include this kind of focus, but, given the amount of space devoted to gender inequities in the profession, the addition of a

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single chapter dealing with racial issues would constitute a disservice to racially marginalized groups. Other authors have produced first-rate work in this area, and the literature will be enhanced by future studies of the effects of race on lawyers' lives.²¹

Many women report that discriminatory practices follow them into legal practice and are heightened with the births of their children because constraints on their time prevent them from taking part in many of the less formal aspects of practice. Consequently, the theme of time is a strong feature in this book. Chapters 4 and 5 deal with their daily routines and the ways in which they view their temporal commitments. The experiences of these women are also fundamental to an understanding of time pressures at broad societal levels in Canada, the United States, and across many international borders. When women began moving into the labour force in significant numbers during the 1960s, the ideal North American family was headed by a male breadwinner, and his back-up support came from a homemaking wife. A nostalgic vision of this family ideal has persisted in spite of dramatic changes in divorce rates, family patterns, and women's levels of participation in the paid labour force. The impact of these broad social patterns on the lives of busy families has emerged slowly, beginning with women's reactions to the pressures of their overlapping roles and extending to include the time stresses affecting all family members. Scholarly work in this area has developed from a slow trickle of articles and an occasional book in the mid-1980s to a deluge of publications covering all aspects of the work-family connection. Governments and private foundations in all industrialized countries have now committed massive amounts of funding to research dealing with the crisis in family time pressures.²²

Time-use scholars debate long-term trends in working hours, but all agree that the burden of time stress is heavier for some groups than for others. Men still work longer hours than women on average, but parents of young children experience the most extreme time crunch.²³ Without exception, researchers report that the majority of women take responsibility for the "second shift" at home, in many cases stretching their precious time to the breaking point.²⁴ These trends, discussed in more detail in Chapter 4, are used to introduce a discussion of time crunch stress in the lives of women lawyers. Well-educated professionals are among those groups working the longest hours so the women in this study are a valuable target group for research on time. If they have children, they are even more likely to feel extreme stress. Until women began to enter the profession in significant numbers, many men practised law secure in the knowledge that their wives would manage their busy households and support them in their career ambitions. Law was seen as a two-person career so these patterns laid the groundwork for the "long hours culture" that came to define good legal practice. Most of the women in law lack this kind of support. In fact,

many of them are responsible for family and household organization in addition to their legal duties, and, if they are single parents, the load becomes even more burdensome. Their strategies for dealing with time pressures are important because they can provide models for new generations of professional women, they can help to reshape the temporal organization of law firms and courts, and they can alert policy-makers in general to problems that arise when women (and men) work excessive hours.

Chapter 4 summarizes findings from a quantitative analysis of the lawyers' scores on an index of time crunch, modelled on questions from Statistics Canada's General Social Surveys on Time Use. Their scores are compared with those of other employed women, with a focus on the lawyers who reported the highest levels of time crunch stress. Recurring themes from their interviews are dovetailed with items from the index, sharpening our image of the most common temporal problems in their lives – lack of time for family and friends, a tendency to cut back on their sleep, and constant stress in the face of overloaded schedules. The chapter ends on a positive note by turning to the stories of women who have managed to overcome some of their time-related stress.

Chapter 5 examines the multidimensional nature of time in women's lives, opening with a critique of the dualistic theories that draw clear conceptual lines between quantitative clock time and the cyclical patterns often identified as women's time. Once again, Bourdieu's theories are relevant. Social capital is a precious resource, providing access to the informal contacts and networks necessary for successful legal practice, but time itself is also a critical part of social capital.²⁵ Without ready access to unclaimed time, women are often left in the margins, professionally speaking, because their tightly scheduled family commitments must be met. The metaphor of the robes can also be invoked to describe these patterns: to the casual observer, women appear to be on equal footing with their male colleagues but, without adequate time, they never quite reach performance expectations. Some senior partners see women with small children as akin to Portia, playing at practice but not entirely committed to the profession.

Feminist theories frame my discussion of time in the lives of the lawyers in this study by identifying the temporal conflicts inherent in the organization of their public and private lives. Julia Kristeva's glorification of motherhood provides a starting point for this discussion, sparking a debate about the inconsistencies between women's cyclical time and the demands of a capitalist economy. Recent feminists also wrestle with gendered labels used to describe different kinds of time, concluding that terms such as "masculine" and "feminine" time are distortions viewed through a normative lens. When the discussion turns to the realities of women's lives, scholars readily acknowledge the complex workings of women's daily time commitments, but the most telling comment lies in Karin Jurczyk's observation

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that women remain, sadly, “in-between times,” powerless to change either family times or professional schedules.²⁶

Qualitative material gleaned from the interviews is particularly enlightening in this chapter, confirming many of the patterns identified in these theoretical visions. Clock time competes with less structured time in the complex daily lives of these women and provides a continuous linear metric as they struggle to fill their quota of billable hours on the job. This chapter also documents the frustrations experienced by women who have attempted to reconcile the demands of motherhood with increased pressure to perform in law firms where partners fail to appreciate the importance of family time. Kristeva’s idealized vision of motherhood is soured by the expectations of employers who see pregnancy as a liability and, in some cases, as an opportunity to replace a woman with someone they regard as more productive. This chapter also acknowledges the punishing hours worked by women without families. Several of them described the levels of commitment they maintained before being summarily dismissed or simply recognizing that the job had taken its toll in other ways.

Since attitudes and practices within the legal culture can affect the profiles of women’s career paths, Chapter 6 centres on these issues – the subtle and not so subtle ways in which careers are modified, reshaped, and, occasionally, sabotaged. Like day-to-day patterns of activity, career paths also reflect visions of time, inviting theoretical representations that summon up a range of time-space metaphors. They can be strong, straight, upward bound, and linear or they can be twisted, broken, misshapen, and cyclical. Most economists would agree that the unbroken linear path represents the ideal career.²⁷ However, this career model is a stagnant reflection of men’s careers in the mid-twentieth century, aptly described as part of an outdated “career mystique” that leaves no room for alternative career lines.²⁸

It is true that many successful men have followed this kind of career trajectory and continue to do so, but women’s careers are often quite different. Are they less valuable? Are they more realistic? Is there room for alternative models of career shaped by the interruptions that characterize the working lives of many women? If so, what are the implications of these new career paths for law and other professions? Are there men who would enjoy the freedom to pursue different careers? These are some of the questions that can introduce fresh perspectives, challenging the rigid “career regime” that has institutionalized the classic male career as the only way to organize a working life.²⁹

Theoretical career models can be expanded to include patterns that deviate from the traditional linear path, particularly those that incorporate breaks for pregnancy and parental obligations. This vision casts careers in the context of a comprehensive *curriculum vitae*, providing a view of temporality across the life course that lends a new dimension to the employment-centred

image of career. Creative scholars have proposed alternative career designs, but they are justifiably suspicious of current language. For example, the metaphor of balance suggests that family concerns deserve equal time with work, but it rests on the assumption that women will be responsible for balancing, leaving established career patterns intact.³⁰ These general concerns about career styles apply to a range of occupations, and they have recently received widespread attention in the scholarly literature.³¹ They are particularly relevant in the legal profession because marked gender differences in advancement have been documented: women face multiple barriers as they proceed down the tenuous path to partnership.³² To some extent, the successful ones adapt to the culture, fitting in with existing expectations for performance, but they are few in number.

In this chapter, I examine the career paths of a sub-sample of the lawyers in the study by visualizing them along a continuum, beginning with women whose careers best emulate the traditional model. From this benchmark, I examine the careers of women whose lives depart from the straightforward linear route, whether by choice or by chance. This strategy illustrates the effects of pregnancy, parenthood, illness, and other events on the careers of many women who have chosen to practise law and, perhaps, to leave the profession. Their image in the eyes of colleagues may be like Portia's fleeting legal career – a dalliance with the law that leaves them “unpracticed” at some level because they will never achieve complete career success, given their competing responsibilities.

In the concluding chapter, I have tried to pull together the strands of their lives to set their stories in a larger context. Clara Brett Martin gained entry to the profession a full century before we sat down to interview our group of women, at a time when women in Canada constituted a mere 16 percent of the paid labour force.³³ Middle-class women were expected to eschew higher education, marry well, and leave the business of making money to their husbands. In this kind of climate, the prospect of divorce was unthinkable. In many respects, the women in this study inhabit a different world and the rate of change can only accelerate as communications technologies advance and global forces mark the opening of the new millennium. It is my hope that the experiences of the women in this study will provide some initial clues to the changing norms and patterns that lie ahead.

Research Design and Methodology

We listened with fascination to the women in this study as they told their stories, one by one, in the first person singular.³⁴ The tapes contain laughter, tears, thoughtful pauses, the background chatter of children, and, in one case, the contented purr of a nursing baby. They are much more personal and revealing than the blended voices that shape the statistical generalizations of survey analysis. However, because they sometimes expose women's

fears and frustrations, they raise issues of privacy and anonymity. They are therefore grounded in trust, and I have promised the women that their identities will remain hidden.³⁵ I think the interviews provide a unique window into the lives of the women who generously agreed to take part in the study. They are located in cities and towns across Ontario and, with one or two exceptions, they were all practising law when we approached them for their initial interviews.

The interview period stretched from January 1994 to August 2002, incorporating two tape-recorded interviews with the majority of the women in the study. The interviews were forty-five minutes long on average, and they were supplemented by a questionnaire recording information about each lawyer's family background, education, year of call to the bar, practice type, family responsibilities, and responses to time pressures. The questionnaires used in the follow-up interviews were shorter but were designed to record changes in the women's legal careers and family arrangements over a four-year period. Most of the women are still acting as lawyers or judges, but thirteen of them have left the profession: one woman has retired and another woman died recently. The others have taken breaks to be with their families or have moved into different fields of work. The remaining women dream of new pursuits as they go about their legal duties. As the study drew to a close, I contacted as many of the women as I could reach, either by e-mail or letter, asking for an update on their lives. Many of them responded, and I have made repeated attempts to find the remaining women but several of them have vanished. The findings from these contacts are summarized in the appendix ("Where Are They Now?").

Plans for the original study were modest. I began the sampling process late in 1993 with lists of Toronto lawyers, provided by two women practising law in the city.³⁶ My intent was to generate a small quota sample of women, reflecting various types of practice. The initial list developed into a referral sample augmented by contacts provided by some of the women in the study. I interviewed thirty women in the Toronto area in 1994 and repeated the process with an additional thirty women in London two years later, using similar sampling techniques. The profile of the London sample was quite different from the distribution of practice types in the Toronto sample, but it was an accurate reflection of women's patterns. The Toronto women tended to specialize in criminal, corporate, and tax law, while women in London were over-represented in family law practice.³⁷

In 1998, the study became much broader in scope when I received funding from the Social Sciences and Humanities Research Council of Canada. With the help of several research assistants, I was able to re-interview the original sixty women and add fifty more women from communities across the province. Using a stratified random sample drawn from the Law Society's membership list, we began by contacting women from suburban Toronto

and Ottawa because large percentages of lawyers practise in these two regions. We eventually travelled north as far as Kirkland Lake and criss-crossed the province from Windsor and Lake Huron on the west to Kingston on the east, interviewing women of all ages and practice types, representing a broad range of racial and ethnic backgrounds.³⁸ Over a six-year period four of the research assistants accompanied me to the interview sites, and, as they gained confidence, each one in turn assumed responsibility for some of the interviews. I am grateful that I had a chance to meet and interview almost all of the women in the study at least once because the memories of these visits have made the writing process enjoyable and, I hope, have contributed to the authenticity of my account. I have also listened to the tapes many times, sometimes laughing out loud or feeling their sadness as I commuted to and from the university.

The first sixty interviews were transcribed and entered into an Ethnograph program for a qualitative analysis.³⁹ However, after several years of interviewing, we had amassed transcriptions of approximately two hundred interviews and a corresponding bank of quantitative data so we turned to more refined analytical tools. A very complicated NUD*IST qualitative program yielded blocks of information organized by topic, and these topics were used in turn to cross-reference the qualitative findings with SPSS data sets incorporating the findings from the questionnaire data.⁴⁰

People sometimes ask why men were not included in this study. In fact, I chose to interview women because, without doubt, their experiences differ from those of most men engaged in the practice of law. Some of these women are confused by the teaching methods employed in law schools, and women in general are less likely to find role models or mentors than their male peers.⁴¹ If they choose to combine parenthood with legal practice, they face problems that are beyond the comprehension of many men.⁴² My goals were not well defined when I began the study, but I knew that I wanted to link the everyday experiences of women lawyers with their long-term career patterns. I also wanted to see if the entry of women to the legal profession had had a profound impact on the values and customs of the profession. They are a heterogeneous group and their responses were varied but together they describe experiences that paint a rich canvas portraying the complexity of their lives and their views of the profession.

Have women as a group effected change in the teaching and practice of law? Perhaps, but they are still pioneers in uncertain territory. This first wave of women has already left its imprint on law schools, in the courts, and on the informal practices prevailing in law offices. However, they inhabit a world where social norms are in flux – both within the legal community and in the larger society. We may have to look to their daughters and granddaughters for evidence of profound change in a profession bound by centuries of masculine influence.